

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

CHARLIE STEVENS,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	
	:	7 : 13-CV-147 (HL)
KELVIN LEE,	:	
	:	
Defendant.	:	
	:	

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**RECOMMENDATION**

On January 15, 2014, Plaintiff filed a notice of voluntary dismissal. (Doc. 14). The case was terminated on January 16, 2014. (See Docket). Plaintiff has now filed a Motion requesting that his case be reopened and that he be appointed counsel. (Doc. 27). Plaintiff has offered no explanation for why he wishes the case to be reopened.

The Court should apply Federal Rule of Civil Procedure 60(b) to determine if it is appropriate to reopen a case after a voluntary dismissal is filed. *See Olmstead v. Humana, Inc.*, 154 Fed. Appx. 800 (11th Cir. 2005); *Delgredo v. Taylor*, 2012 WL 1365971, \*1 (N.D. Fla., April 19, 2012). Under Rule 60(b),

the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Plaintiff has made no showing that any of the Rule 60(b) factors might justify reopening this case. Plaintiff stated only that he “would like to reopen [his] case against Agent Kevin Lee.” (Doc. 27). As Plaintiff has failed to make a showing that the reopening of this case is justified, the undersigned recommends that Plaintiff’s Motion (Doc. 27) be **DENIED**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to the recommendation contained herein with the Honorable Hugh Lawson, United States District Judge, **WITHIN FOURTEEN (14) DAYS** after being served with a copy of this Recommendation.

As the undersigned recommends that Plaintiff’s request to reopen this case be denied, Plaintiff’s request for appointment of counsel (Doc. 27) is hereby **found to be moot**.

**SO ORDERED AND RECOMMENDED**, this 17<sup>th</sup> day of March, 2014.

*s/ THOMAS Q. LANGSTAFF*  
**UNITED STATES MAGISTRATE JUDGE**

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